

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

JOYCE ROGERS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV548LS

JO ANNE B. BARNHART, COMMISSIONER  
OF SOCIAL SECURITY ADMINISTRATION

DEFENDANT

ORDER

Before the court for consideration is the Report and Recommendation of United States Magistrate Judge James C. Sumner, entered January 17, 2007, and being duly advised in the premises, the court finds that the Report and Recommendation should be adopted by the court.

Accordingly, IT IS ORDERED that defendant's motion to dismiss for failure to prosecute is denied.

ORDERED this 8<sup>th</sup> day of February, 2007.

/s/ Tom S. Lee

UNITED STATES DISTRICT JUDGE